

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

FRANCIS JOSEPH,
Petitioner

v.

STEVEN GOLD, COMMISSIONER,
VERMONT DEPARTMENT OF
CORRECTIONS,
Respondent

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File No. 1:04-CV-90

ORDER

The Magistrate Judge's Report and Recommendation was filed March 16, 2005 (Paper 19). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The petitioner's motion for relief from judgment (Doc. 14) is DENIED.

It is certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 21st day of April, 2005.

/s/ J. Garvan Murtha
J. Garvan Murtha
U.S. District Judge